

JOURNAL OF THE HOUSE.

Thursday, May 6, 2004.

Met according to adjournment, at eleven o'clock A.M., in an Informal Session, with Mr. Hynes of Marshfield in the Chair (having been appointed by the Speaker, under authority conferred by Rule 5, to perform the duties of the Chair).

At the request of the Chair (Mr. Hynes), the members, guests and employees joined with him in reciting the pledge of allegiance to the flag.

Pledge of
allegiance.

Recess.

At six minutes after eleven o'clock A.M., the Chair (Mr. Hynes) declared a recess subject to the call of the Chair; and at half past eleven o'clock the House was called to order with Mr. Hynes in the Chair.

Recess.

Resolutions.

The following resolutions (filed with the Clerk) were referred, under Rule 85, to the committee on Rules:

Resolutions (filed by Mr. Cabral of New Bedford) on the occasion of the National Association of Letter Carriers National Food Day Drive, May 8, 2004;

National
Association of
Letter Carriers.

Resolutions (filed by Mr. Driscoll of Braintree) congratulating Brian Matthew Doran on receiving the Eagle Award of the Boy Scouts of America;

Brian
Matthew
Doran.

Resolutions (filed by Mr. Fagan of Taunton) congratulating Margaret McGee Dorsey on the occasion of her one hundredth birthday;

Margaret McGee
Dorsey.

Resolutions (filed by Mr. Kocot of Northampton) honoring Carol Rothery for her outstanding contributions to the Northampton Survival Center; and

Carol
Rothery.

Resolutions (filed by Mr. Kujawski of Webster) congratulating Mr. and Mrs. Charles Baron on the occasion of their sixtieth wedding anniversary;

Charles
and Wanda
Baron.

Mr. Petrolati of Ludlow, for the committee on Rules, reported, in each instance, that the resolutions ought to be adopted. Under suspension of the rules, in each instance, on motion of Ms. Kaprielian of Watertown, the resolutions (reported by the committee on Bills in the Third Reading to be correctly drawn) were considered forthwith; and they were adopted.

Communications.

The following communications were referred, under Rule 24, as follows:

From the Commissioner of Banks (under Section 2(31) of Chapter 167F of the General Laws) submitting proposed regulations

State banks,
parity.

permitting state-chartered banks to exercise certain powers granted to national banking institutions (House, No. 4700); and

Credit
unions,
parity.

From the Commissioner of Banks (under Section 6A of Chapter 171 of the General Laws) submitting a summary of proposed regulations for the implementation of federal credit union parity (House, No. 4701);

Severally to the committee on Banks and Banking.

Severally sent to the Senate for concurrence.

Petitions.

Petitions severally were presented and referred as follows:

Yarmouth,
wellfield
land.

By Mr. George of Yarmouth, petition (accompanied by bill, House, No. 4706) of Thomas N. George and Robert O'Leary (by vote of the town) that the town of Yarmouth be authorized to make certain conveyances of wellfield land; and

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By the same member, petition (accompanied by bill, House, No. 4707) of Thomas N. George and Robert O'Leary (by vote of the town) that the town of Yarmouth be authorized to lay out a public way over certain wellfield land;

Severally to the committee on Local Affairs and Regional Government.

Severally sent to the Senate for concurrence.

Petitions severally were presented and referred as follows:

Thomas
McCabe,
sick leave
bank.

By Ms. Callahan of Sutton, petition (subject to Joint Rule 12) of Jennifer M. Callahan for legislation to establish a sick leave bank for Thomas McCabe, an employee of the Massachusetts Correctional Institution, Norfolk.

Medford,
land use.

By Mr. Donato of Medford, petition (subject to Joint Rule 12) of Michael J. Donato that the Division of Capital Asset Management and Maintenance be authorized to release a restriction on a certain parcel of land in the city of Medford for the construction of a World War II monument dedicated to the memory of armed forces personnel from said city.

Vehicle
protection
act.

By Mr. Mariano of Quincy, petition (subject to Joint Rule 12) of Ronald Mariano and Guy W. Glodis for legislation to establish a motor vehicle protection product law to be administered by the Division of Insurance.

Medicines,
sale to
minors.

By Mr. Patrick of Falmouth, petition (subject to Joint Rule 12) of Matthew C. Patrick for legislation to regulate the sale to minors of over-the-counter medications containing alcohol or codeine.

Marriage,
non-residents.

By Mr. Spellane of Worcester, petition (subject to Joint Rule 12) of Robert Spellane, Frank I. Smizik, Thomas M. Stanley and other members of the House for legislation to repeal the prohibition of certain non-residents to marry in the Commonwealth.

Tax
deferred
agreements.

By Mr. Torrisi of North Andover, petition (subject to Joint Rule 12) of David M. Torrisi relative to tax deferred agreements under the law regulating the assessment of local property taxes.

UMass.
Employees,
collective
bargaining.

By Mr. Walsh of Boston, petition (subject to Joint Rule 12) of Martin J. Walsh and other members of the General Court for an appropriation of a certain sum of money to fund a collective bargaining agreement for employees of the University of Massachusetts.

Severally, under Rule 24, to the committee on Rules.

Papers from the Senate.

Section 25 contained in the engrossed Bill making appropriations for the fiscal year 2004 to provide for supplementing certain existing appropriations and for certain other activities and projects (see Senate, No. 2304, amended), which had been returned to the Senate by His Excellency the Governor with his objections thereto in writing (for message, see Senate, No. 2320), came from the Senate with the endorsement that it had been passed by said branch, notwithstanding the said objections. Under House Rule 30, said section was referred to the committee on Ways and Means.

Supplemental
appropriations.

The engrossed Bill relative to the police department in the town of Bridgewater (see Senate, No. 2071), which had been returned to the Senate by His Excellency the Governor with his objections thereto in writing (for message, see Senate, No. 2312), came from the Senate with the endorsement that it had been passed by said branch, notwithstanding the said objections. Under House Rule 12, the bill was placed in the Orders of the Day for the next sitting, the question being on passing said bill, in concurrence, notwithstanding the said objections.

Bridgewater.

The House Order relative to extending until Tuesday, May 11, 2004 the time within which the committee on Criminal Justice is authorized to report on current House document numbered 4571 came from the Senate with the endorsement that it had been adopted, in concurrence, with an amendment striking out the date "Tuesday, May 11, 2004" and inserting in place thereof the date "Friday, May 14, 2004".

Criminal
Justice
committee,
extension
of time for
reporting.

Under suspension of Rule 35, on motion of Mr. Peterson of Grafton, the amendment was considered forthwith; and it was adopted, in concurrence.

A Bill authorizing the funding of the production and modification of housing for people with disabilities (Senate, No. 734, amended in section 1, in line 3, by inserting after the word "elderly" the words "the homeless, moderate income citizens of the commonwealth,"; and in section 2, by adding at the end thereof the following item:—

Disabled
persons,
housing.

"Department of Housing and Community Development.

7004-7013

For the purpose of state financial assistance in the form of grants or loans for the Housing Innovations Fund Program established pursuant to section 5 of chapter 244 of the acts of 2002; provided that not less than 25 percent of the amount appropriated in this item shall be used to fund projects which preserve and produce housing for families and individuals with incomes of not more than 30 percent of the area median income, as defined by the United States Department of Housing and Urban Development; and provided further, that funds from this program may be used to support joint projects

Disabled
persons,
housing.

proposed by municipalities or housing develop-
ment agencies and Massachusetts colleges and
universities 20,000,000"

(on House, Nos. 2608 and 2617), passed to be engrossed by the Senate, was read; and it was referred, under Rule 32A, to the committee on Long-Term Debt and Capital Expenditures.

Bills

State
wildfire
team.

Relative to the state wildfire team (Senate, No. 35, amended in line 7 by striking out the words "other than a temporary position in the employ of any employer" and inserting in place thereof the words "in the employ of the commonwealth or of any city or town in the commonwealth, other than a temporary position"; and in lines 21 to 25, inclusive, by striking out the paragraph contained therein) (on a petition);

Professions,
unlicensed
practice.

Regarding unlicensed practice of certain professions (Senate, No. 422, amended) by striking out all after the enacting clause and inserting in place thereof the following:

"SECTION 1. Section 65 of chapter 112 of the General Laws, as appearing in the 2002 Official Edition, is hereby amended by striking out, in line 5, the words 'one thousand dollars' and inserting in place thereof the following figure:— \$5,000.

SECTION 2. Said chapter 112 is hereby further amended by inserting after section 65 the following 2 sections:—

Section 65A. Each board of registration within the division of professional licensure may, after opportunity for a hearing, assess and collect a civil administrative penalty of up to \$5,000 for each violation upon a person who practices a trade or profession at a time when his license, certificate, registration or authority to do so from that board is not valid because it has been suspended, revoked or canceled under this chapter or because it has expired. The penalty shall be in addition to all other penalties and remedies that may be provided by law. A board may apply to the appropriate court for a restraining order enjoining such unlicensed practice or for an order for payment of an assessed penalty, or both, and may obtain such other orders as may be appropriate. All penalties collected shall be deposited in the Division of Professional Licensure Trust Fund established under subsection (a) of section 35V of chapter 10.

Section 65B. Each board of registration within the division of professional licensure may, after opportunity for a hearing, assess and collect a civil administrative penalty of up to \$5,000 for each violation upon a person who, without holding the required license, certificate, registration or authority from that board, engages in the practice of a trade or profession for which a license, certificate, registration or authority is required. The penalty shall be in addition to all other penalties and remedies that may be provided by law. A board may apply to the appropriate court for a restraining order enjoining such unlicensed practice or for an order for payment of an assessed penalty, or both, and may obtain such other orders as may be appropriate. All penalties collected shall be deposited in the Division of Professional Licensure Trust Fund, established under subsection (a) of section 35V of chapter 10.") (on a petition);

Codifying the hepatitis C program (Senate, No. 553) (on a petition);

Hepatitis C
program.

Ensuring that parents of children prescribed psychotropic drugs receive adequate information (Senate, No. 674, amended) by striking out all after the enacting clause and inserting in place thereof the following:

Psychotropic
drugs,
information.

"SECTION 1. Section 23 of chapter 94C of the General Laws, as most recently amended by section 2 of chapter 133 of the acts of 2003, is hereby further amended by adding the following subsection:—

(i) The commissioner of the department of mental health shall convene a task force consisting of 1 representative each from the department of medical assistance, the department of public health, the Massachusetts Psychiatric Society, the Massachusetts College of Pharmacy and Health Sciences, the Massachusetts chapter of the American Academy of Pediatricians, and a consumer who is the parent or guardian of a minor who is currently prescribed psychotropic medication.

The task force shall develop and implement a list of the 20 most commonly prescribed psychotropic medications for children, including a description in plain language of the most common side effects of each medication. The task force shall update the list annually. The commissioner of the department of mental health shall post the written information provided by the task force on the department's website, to be available to prescribers and the general public.

Before a practitioner prescribes a psychotropic drug for use by a patient who is a minor in a non-inpatient setting, or before discharging the minor from an inpatient facility, a copy of the information provided by the task force shall be made available to the minor's parent or legal guardian. The prescriber shall note in the patient's record that the information has been provided to the parent or legal guardian. If the parent or legal guardian is incapable of understanding the psychotropic drug information, the practitioner shall explain the information, including side effects, before providing the prescription to the patient. Providing the information to the parent or legal guardian shall not be considered a substitute for informed consent.

SECTION 2. The task force created under section 1 shall hold its initial meeting within 90 days of the effective date of this act.") (on a petition);

Relative to the annual report by the Department of Housing and Community Development (Senate, No. 700) (on a petition);

Housing,
annual report.

Providing improved management of state forests (Senate, No. 1205) (on a petition);

State
forests.

Relative to the Commonwealth's hemlock trees (Senate, No. 1209) (on a petition);

Hemlock
trees.

Relative to the identification of burial grounds and cemeteries on certain state-owned land (Senate, No. 1624, amended in lines 5 to 8, inclusive, by striking out the words "on current or former state-owned public facilities now or formerly under their jurisdiction and control to which the commonwealth retains or can acquire without expense a right of re-entry" and inserting in place thereof the words

Cemeteries,
state
property.

Cemeteries,
state
property.

“on property currently owned by and in the control of the commonwealth”; in line 9 by striking out the date “June 30, 2003” and inserting in place thereof the date “June 30, 2005”; in lines 23 to 29, inclusive, by striking out the sentence contained therein and inserting in place thereof the following sentence: “The report shall also include the following information, if known by and in possession of the division of capital asset management and maintenance or the department of mental health, mental retardation, public health or correction: a list of the names and grave or plot numbers of persons reported to be buried in the burial grounds, cemeteries and other grave sites; a directory of the names and grave stones or plot marker numbers of persons buried in the burial grounds, cemeteries and other grave sites; an inventory of the total number of existing grave stones or plot markers, including any information regarding discrepancies between the number of persons believed to be buried and the number of grave stones or plot markers in the burial grounds, cemeteries and other grave sites; and any information regarding burial grounds, cemeteries and other grave sites located in former state-owned public facilities, formerly under the jurisdiction or control of those departments.”; and in lines 30 to 39, inclusive, by striking out the paragraph contained therein) (on a petition);

Banks
and
Banking.

Relative to banks and banking (Senate, No. 2045, amended in section 1, in lines 19 and 20, by inserting after the word “commonwealth” the following paragraph:—

‘Federal branch’, a branch in the commonwealth of any out-of-state federal bank.; in section 4, in lines 18 to 22, inclusive, by striking out the sentence contained therein; in section 15, in lines 23 to 30, inclusive, by striking out the paragraph contained therein and inserting in place thereof the following paragraph:—

‘Real estate’, land or property, without geographic limitation, including improved land with a dwelling, owner occupied or unoccupied dwellings, unimproved land, farmland, a unit of a condominium, shares of stock issued by a co-operative housing corporation, industrial and commercial property, leasehold interests created in air rights over land, and any other interest in land; but a loan secured by real estate shall include a loan on a leasehold under a lease which does not expire for at least 5 years beyond the maturity date of the loan.” and in lines 154, 155 and 156, by striking out, in each instance, the word “stock”. (on Senate, Nos. 14 and 16 and House, Nos. 12 and 19 and a part of House, No. 8);

Spencer,
land
lease.

Authorizing the Division of Capital Asset Management and Maintenance to lease certain land in the town of Spencer to the Worcester county 4H center (Senate, No. 2064, amended in section 1, in line 4, by striking out the words “environmental management” and inserting in place thereof the words “conservation and recreation” and in lines 16 and 30, by inserting after the word “day,” in each instance, the words “or residential”; in section 2, in line 4, by striking out the word “his” and inserting in place thereof the word “this”; and in section 4, in line 2, by inserting after the word “two” the word “consecutive”, in line 4, by striking out the word “may” and inserting in place thereof the word “shall” and, in said line, by inserting after the word “upon” the word “written”) (on Senate, No. 1630);

Relative to meningitis immunization awareness (Senate, No. 2155) (on Senate, No. 526);

Requiring college students immunization against meningococcal disease (Senate, No. 2159, amended in section 1, in line 8, by striking out the word “residency” and inserting in place thereof the word “matriculation”; and in section 2, in line 2, by striking out the words “for September” and inserting in place thereof the words “in or after August”) (on Senate, No. 525 and House, No. 3523);

Requiring a study of the financial feasibility of establishing the Massachusetts Health Care Trust (Senate, No. 2272, amended by striking out the last sentence contained therein and inserting in place thereof the following sentence: “The division shall report the results of its findings to the joint committee on health care and to the house and senate committees on ways and means no later than December 1, 2004.”) (on Senate, Nos. 655 and 686);

Relative to the certification of speech-language pathology assistants and audiology assistants (Senate, No. 2296, amended in section 13, in lines 33 and 34, by inserting after the word “Pediatrics” the words “, the Massachusetts Society of Otolaryngologists”) (on Senate bill, No. 428);

Relative to memorials located on metropolitan district commission property (Senate, No. 2297) (on Senate bill, No. 703);

Relative to licensing of foresters and timber harvesters (Senate, No. 2298) (on Senate bill, No. 1241);

Penalizing domestic abusers (Senate, No. 2328) (on Senate bill, No. 154);

Relative to managed care contracts with home health agencies (Senate, No. 2329) (on Senate bill, No. 860);

To protect consumers from unauthorized telephone and cable charges (Senate, No. 2330) (on Senate bill, No. 2031);

Relative to special veterans plates (Senate, No. 2338) (on Senate bill, No. 1274, changed);

Severally passed to be engrossed by the Senate, were read; and they were referred, under Rule 33, to the committee on Ways and Means.

Bills

Relative to the penalties for killing, maiming or poisoning an animal (Senate, No. 198) (on a petition);

Authorizing payroll deductions for certain contributions to the State Police Museum Fund (Senate, No. 1417, amended by striking out all after the enacting clause and inserting in place thereof the following:

“Chapter 180 of the General Laws is hereby amended by inserting after section 17L the following section:—

Section 17M. A deduction on a payroll schedule may be made from the salary of an employee of the department of the state police in the amount of \$3 per pay period for the payment of a contribution to Massachusetts State Police Museum and Learning Center, Inc. A deduction under this section shall not be used in whole or in part for a political purpose. Authorization for the deduction shall be made by the employee in writing to the officer or head of the department and withdrawal of the authorization shall be made by a 60 day

Meningitis
awareness.

Meningococcal
disease.

Health
care
trust.

Language
assistants,
certification.

MDC,
memorials.

Harvesters,
licensing.

Domestic
abusers.

Home health
agencies.

Telephone and
cable charges.

Veterans
plates.

Animal
cruelty.

State Police
Museum
Fund.

State Police
Museum
Fund.

written notice to the officer or head of the department. The state treasurer shall deduct the contribution from the salary of the employee and transmit the sum to the treasurer of the Massachusetts State Police Museum and Learning Center, Inc. The state treasurer may require that the treasurer of the Massachusetts State Police Museum and Learning Center, Inc. give a bond, in a form approved by the commissioner of revenue, for the faithful performance of his duties in a sum and with surety satisfactory to the state treasurer.”) (on a petition);

Waltham,
retirees.

Relative to retirees’ group health insurance premium contributions in the city of Waltham (Senate, No. 2001) (on a petition) [Local Approval Received];

Credit union,
share
insurance.

Relative to the Massachusetts Credit Union Share Insurance Corporation (Senate, No. 2267, amended by striking out section 4; in section 6, by striking out subsection (d) and inserting in place thereof the following subsection:—

“(d) With the approval of the commissioner, the board of directors may pay to regular, excess or inactive members a dividend computed on the aggregate assessments paid by each member pursuant to this chapter.”; and by striking out section 7 and inserting in place thereof the following section:—

“SECTION 7. Said chapter 294 is hereby amended by striking out section 9 and inserting in place thereof the following section:—

Section 9. The board of directors of the corporation may by their vote and with the approval of the commissioner borrow money for the purposes of the share insurance fund and may pledge any assets in which such fund is invested as security for such loans. The directors may buy reinsurance and bonds or make purchases of stock or otherwise participate in the capital structure of a corporation for the purposes of protecting and strengthening the share insurance fund and reducing and diversifying the overall risk to the fund or make purchases of stock in a corporation formed for the purpose of providing excess insurance or of reinsuring share insurance corporations. The corporation may evaluate and transfer funds to a regional or national share insurance corporation whose primary function is for the insurance of shares or the reinsurance of share insurance corporations.”) (on Senate, No. 11 and House, No. 3744);

Lowell,
Bacigalupo
Garden.

Designating a portion of the Lowell Heritage State Park as the Mary Bacigalupo Victorian Garden (Senate, No. 2318, amended in line 7 by striking out the words “city of Lowell” and inserting in place thereof the words: “department of conservation and recreation”; and by striking out the last sentence and inserting in place thereof the following sentence: “The department of conservation and recreation may enter into a memorandum of agreement with the city of Lowell to facilitate this act.”) (on a petition);

Swansea,
part-time
officials.

Relative to part-time elected officials of the town of Swansea (printed as House, No. 3969) (on a petition) [Local Approval Received];

Severally passed to be engrossed by the Senate, were read; and they were referred, under Rule 7A, to the committee on Steering, Policy and Scheduling.

A report of the committee on Public Service, asking to be discharged from further consideration of the petition (accompanied by bill, Senate, No. 1572) of Andrea F. Nuciforo, Jr., Peter J. Larkin, William Smitty Pignatelli and other members of the General Court for legislation to include employees of the Berkshire Regional Planning Commission in the state retirement system, and recommending that the same be referred to the Senate committee on Ways and Means,— accepted by the Senate, was considered forthwith, under Rule 42; and it was accepted, in concurrence, inasmuch as relates to the discharge of the committee.

Berkshire
Regional
Planning
Commission.

The Senate Bill to amend insurance requirements for home inspectors (Senate, No. 415) (on Senate, No. 415 and House, Nos. 1660 and 3645), was referred, in concurrence, to the committee on the Judiciary.

Home
inspectors.

A petition (accompanied by bill, Senate, No. 2339) of Pamela P. Resor and James B. Eldridge (by vote of the town) for legislation relative to the Still River Village Wastewater Management District in the town of Harvard, was referred, in concurrence, to the committee on Natural Resources and Agriculture.

Harvard,
Still River
Village.

A petition of Marian Walsh for legislation concerning the World War II bonus, came from the Senate referred, under suspension of Joint Rule 12, to the committee on Public Service.

World War
Two
bonus.

The House then concurred with the Senate in the suspension of said rule; and the petition (accompanied by bill, Senate, No. 2342) was referred, in concurrence, to the committee on Public Service.

Reports of Committees.

By Koutoujian of Waltham, for the committee of conference on the disagreeing votes of the two branches, with reference to the Senate amendments (striking out all after the enacting clause and inserting in place thereof the text contained in Senate document numbered 2130, amended) of the House Bill to improve public health in the Commonwealth (House, No. 4256), reports recommending that the House recede from its non-concurrence in the Senate amendment and concur therein with a further amendment striking out all after the enacting clause and inserting in place thereof the text contained in House document numbered 4690 and that the Senate concur therein.

Public
health,
improve.

Under suspension of the rules, on motion of Ms. Kaprielian of Watertown, the report was considered forthwith; and it was accepted. Sent to the Senate for concurrence.

Mr. Scaccia of Boston, for the committee on Rules, on the Order relative to authorizing the committee on Housing and Urban Development to make an investigation and study of certain Senate and House documents concerning governmentally involved housing (House, No. 4593) reported, in part, asking to be discharged from further consideration of the petition (accompanied by bill, House, No. 3332) of Thomas M. Menino, Kevin G. Honan and other mem-

Affordable
housing,
preservation.

Affordable
housing,
preservation.

bers of the General Court relative to low-income rental housing and the preservation of affordable housing in the Commonwealth,— and recommending that the same be recommitted to the committee on Housing and Urban Development. Under Rule 42, the report was considered forthwith; and it was accepted.

Homeownership
opportunities.

Subsequently Mr. Honan of Boston, for said committee on Housing and Urban Development, on House No. 3332, reports, in part, a Bill promoting homeownership opportunities (House, No. 4708).

Municipal
housing
trust funds.

By the same member, for the same committee, on House No. 3332, reports, in part, a Bill promoting municipal affordable housing trust funds (House, No. 4709).

Housing
opportunities.

By the same member, for the same committee, on the residue of House, No. 3332, a Bill promoting housing opportunities (House, No. 4710).

Severally read; and referred, under Rule 33, to the committee on Ways and Means.

Mr. Rogers of Norwood, for said committee, then reported, in each instance that the bills ought to pass. Severally referred, under Rule 7A, to the committee on Steering, Policy and Scheduling.

Mr. Kujawski of Webster, for said committee then reported, in each instance, that the matter be scheduled for consideration by the House.

Under suspension of the rules, in each instance, on motion of Mr. Koutoujian of Waltham, the bill was read a second time; and it was ordered to a third reading.

By Mrs. Owens-Hicks of Boston, for the committee on Local Affairs and Regional Government on the part of the House, asking to be discharged from further consideration

Claims
Trust Fund,
auditing.
Minimum
wage law.

Of the Bill relative to the auditing of the Claims Trust Fund (House, No. 3695); and

Of the Bill relative to the term “employer” under the minimum wage law (House, No. 4095);

And recommending that the same severally be referred to the House committee on Ways and Means.

Under Rule 42, the reports severally were considered forthwith; and they were accepted.

By Mr. Scaccia of Boston, for the committees on Rules of the two branches, acting concurrently, asking to be discharged from further consideration

Cigarette
fire safety
standards.

Of the Resolve relative to fire safety standards for cigarettes (House, No. 3580);

Cervical
cancer,
study.

Of the Resolve providing for an investigation and study by a special commission relative to eliminating cervical cancer in the Commonwealth of Massachusetts (House, No. 4549);

School
nutrition.

Of the Bill to promote proper school nutrition (House, No. 4619); and

Underwriting
Association.

Of the Bill relative to the Massachusetts Property Insurance Underwriting Association (House, No. 4672);

And recommending that the same severally be referred to the House committee on Rules.

Under Rule 42, the reports severally were considered forthwith; and they were accepted.

By Mr. Kujawski of Webster, for the committee on Steering, Policy and Scheduling, asking to be discharged from further consideration

Of the Bill relative to the registration of podiatrists (Senate, No. 671);

Of the Bill relative to further regulating the transportation of school children (printed as Senate, No. 234);

Of the Bill relative to membership of the Criminal Justice Committee (House, No. 759);

Of the Bill relative to the warrant management system (House, No. 765);

Of the Bill relative to providing for the equitable apportionment of certain liens (House, No. 784);

Of the Bill relative to the allocation of costs incurred in personal injury protection litigation (House, No. 786);

Of the Bill relative to the use of telephones in places of detention (House, No. 1132);

Of the Bill relative to the regulations of street excavations by utility companies (House, No. 2912);

Of the Bill relative to the attachment of goods and recoveries by defendants in certain trustee actions (House, No. 3675);

Of the Bill to increase flexibility in alimony orders (House, No. 4479);

Of the Bill to allow temporary alimony orders in modification proceedings (House, No. 4480); and

Of the Bill relative to the use of a motor vehicle hide for the purpose of illegal drug distribution in violation of Massachusetts General Law Chapter 94C (House, No. 4602);

And recommending that the same severally be referred to the House committee on Rules; and

Of the Bill further regulating solid waste disposal facilities (House, No. 2110); and

Of the Bill authorizing the Massachusetts Bay Transportation Authority to enter into agreements to enable extension of commuter rail passenger services to Nashua New Hampshire (House, No. 4603);

And recommending that the same severally be referred to the committee on Ways and Means.

Under Rule 42, the reports severally were considered forthwith; and they were accepted.

By Mrs. Owens-Hicks of Boston, for the committee on Local Affairs and Regional Government, asking to be discharged from further consideration of the petition (accompanied by bill, House, No. 4024) of Colleen M. Garry for legislation to further regulate the posting of public notices of meetings of municipal governmental bodies,— and recommending that the same be referred to the committee on Ways and Means. Under Rule 42, the report was considered forthwith; and it was accepted. Sent to the Senate for concurrence in the discharge of the committee.

Podiatrists,
registration.
School
children,
transportation.
Criminal justice
committee,
membership.
Warrant
management
system.
Personal
injury liens.
Personal injury
litigation.
Telephone
locations.
Utility street
excavations.
Trustees,
execution.
Alimony,
flexibility.
Alimony,
temporary
orders.
Motor vehicles,
use for drug
distribution.
Solid waste
disposal
facilities,
regulate.
MBTA,
New Hampshire
extension.

Municipal
governmental
bodies.

Leo Foley, service.

Mr. Scaccia of Boston, for the committee on Rules, on the Order relative to authorizing the committee on Public Service to make an investigation and study of certain House documents concerning active and retired public employees (House, No. 4303), reported, in part, asking to be discharged from further consideration of the petition (accompanied by bill, House, No. 3694) of Kevin J. Murphy, Steven C. Pantagiotakos and David M. Nangle that the retirement board be authorized to grant creditable service to Leo Foley for military duty performed,— and recommending that the same be recommended to the committee on Public Service. Under Rule 42, the report was considered forthwith; and it was accepted.

Public employees, study.

Mr. Scaccia of Boston, for the committee on Rules, on the Order relative to authorizing the committee on Public Service to make an investigation and study of certain House documents concerning active and retired public employees (House, No. 4605), reported, in part, asking to be discharged from further consideration

Doris Shecrellah, pension.

Of the petition (accompanied by bill, House, No. 4157) of Gale D. Candaras and Linda J. Melconian that the retirement board of the city of Springfield be authorized to grant retirement benefits to Doris Shecrellah;

Methuen, intermittent police.

Of the petition (accompanied by bill, House, No. 4175) of Steven A. Baddour, Arthur J. Broadhurst and others (with the approval of the mayor and city council) that the city of Methuen be authorized to appoint additional officers to the intermittent police force of said town;

Holyoke, retirements.

Of the petition (accompanied by bill, House, No. 4391) of Michael F. Kane and Michael R. Knapik (with the approval of the mayor and city council) relative to the retirement of certain employees of the city of Holyoke; and

Methuen, retirement.

Of the petition (accompanied by bill, House, No. 4452) of Arthur J. Broadhurst, Stephen A. Baddour and another (with the approval of the mayor and city council) relative to authorizing the Methuen Retirement System to grant a superannuation pension to W. Philip Barrett and Claire Salois an employee of the city of Methuen;

And recommending that the same severally be recommitted to the committee on Public Service.

Under Rule 42, the reports severally were considered forthwith; and they were accepted.

Taxation, study.

Mr. Scaccia of Boston, for the committee on Rules, on the Order relative to authorizing the committee on Taxation to make an investigation and study of certain House documents concerning revenue and taxation matters in the Commonwealth (House, No. 4651), reported, in part, asking to be discharged from further consideration

Springfield, Peter Pan Bus Lines.

Of the petition (accompanied by bill, House, No. 3716) of Michael J. Albano (mayor) and Benjamin Swan (with the approval of the city council) that the city of Springfield be authorized to abate certain real property taxes on land leased to Peter Pan Bus Lines, Incorporated;

Leominster, abatements.

Of the petition (accompanied by bill, House, No. 4499) of Mary Jane Simmons and Robert A. Antonioni (with the approval of the

mayor and city council) that the city of Leominster be authorized to grant an abatement on a certain parcel of property known as the John B. McLaughlin Field; and

Of the petition (accompanied by bill, House, No. 4532) of Frank M. Hynes, Robert L. Hedlund and another that the town of Marshfield be authorized to reduce sewer fees and betterment charges for certain elderly persons performing volunteer services;

Marshfield, sewer fees.

And recommending that the same severally be recommitted to the committee on Housing and Urban Development.

Under Rule 42, the reports severally were considered forthwith; and they were accepted.

By Mr. Hall of Westford, for the committee on State Administration, on House, No. 4576, a Bill authorizing the Division of Capital Asset Management and Maintenance to convey certain land to the town of Webster (House, No. 4711), which was read.

Webster, land.

Under suspension of the rules, on motion of Mr. Kujawski of Webster, the bill was read a second time forthwith; and it was ordered to a third reading.

Under suspension of the rules, on motion of Mr. Koutoujian of Waltham, the bill (having been reported by the committee on Bills in the Third Reading to be correctly drawn) was read a third time; and it was passed to be engrossed. The bill (House, No. 4711) then was sent to the Senate for concurrence.

By Mr. Kujawski of Webster, for the committee on Steering, Policy and Scheduling, that the Senate Bill directing the retirement board of the city of Quincy to grant creditable service to James J. Dentremon (Senate, No. 1933) [Local Approval Received] be scheduled for consideration by the House.

Quincy, James J. Dentremon.

Under suspension of Rule 7A, on motion of Mr. Peterson of Grafton, the bill was read a second time forthwith; and it was ordered to a third reading.

By Mr. Kujawski of Webster, for the committee on Steering, Policy and Scheduling, that the Senate Bill merging the South Sagamore water district with the Bourne water district (Senate, No. 2226, amended) be scheduled for consideration by the House.

Bourne water district, merge.

Under suspension of Rule 7A, on motion of Mr. Peterson of Grafton, the bill was read a second time forthwith; and it was ordered to a third reading.

Report of the committee on Human Services and Elderly Affairs, that the recommended Bill to protect disabled persons (House, No. 4612) ought NOT to pass (under Joint Rule 10).

Disabled persons, protection.

Under suspension of the rules, on motion of Mr. Peterson of Grafton, the report was considered forthwith.

Pending the question on acceptance of the report, the bill was recommitted to the committee on Human Services and Elderly Affairs, on motion of Mr. Cabral of New Bedford.

Peabody
fire,
tax
abatement.

Report of the committee on Taxation, ought NOT to pass (under Joint Rule 10), on the recommitted petition (accompanied by bill, House, No. 4611) of Joyce A. Spiliotis, Frederick E. Berry and Theodore C. Speliotis (with the approval of the mayor and city council) relative to providing for the abatement of taxes for property destroyed by the fire of December 18, 2003 in the city of Peabody.

Under suspension of the rules, on motion of Mr. Peterson of Grafton, the report was considered forthwith.

Pending the question on acceptance of the report, the petition was recommitted to the committee on Taxation, on motion of Mr. Casey of Winchester.

Liability
insurance

By Mr. Mariano of Quincy, for the committee on Insurance, on House, No. 1691, a Bill relative to professional liability insurance (House, No. 4702). Read; and referred, under Joint Rule 29, to the committees on Rules of the two branches, acting concurrently.

Town
appointments,
study.

By Mrs. Owens-Hicks of Boston, for the committee on Local Affairs and Regional Government, on House, Nos. 195, 389, 796, 3995, 4021, 4058 and 4066, an Order relative to authorizing the committee on Local Affairs and Regional Government to make an investigation and study of certain House documents concerning town appointments, consultants, fees and positions (House, No. 4703).

Arlington
appointments.

By the same member, for the same committee, on House, No. 4247, an Order authorizing the committee on Local Affairs and Regional Government to make an investigation and study of a certain House document concerning the appointment of a town manager in the town of Arlington (House, No. 4704).

Severally referred, under Joint Rule 29, to the committees on Rules of the two branches, acting concurrently.

Subsequently Mr. Scaccia of Boston, for said committees, reported, in each instance, asking to be discharged from further consideration of said orders; and recommending that the same severally be referred to the House committee on Rules.

Under Rule 42, the reports severally were considered forthwith; and they were accepted.

By Mrs. Owens-Hicks of Boston, for the committee on Local Affairs and Regional Government on the part of the House, that the following bills ought to pass:

Inmates,
telephone
service.

Bill relative to telephone service for inmates in all correctional and other penal institutions in the Commonwealth (House, No. 1557); and

Third
party
payments.

Bill relative to third party payments (House, No. 3311);

Severally referred, under Rule 33, to the committee on Ways and Means.

Tenants
notification.

By Mr. Honan of Boston, for the committee on Housing and Urban Development, on House, No. 1296, a Bill providing for notification of certain tenants (House, No. 4705).

Clerks
of court.

By Mr. Koczera of New Bedford, for the committee on Public Service, on a recommitted petition, a Bill relative to the classification of clerk magistrates and clerks of court (House, No. 995).

By Mr. Hynes of Marshfield, for the committee on Transportation, on a message from His Excellency the Governor, a Bill authorizing the Department of Highways to acquire certain parcels of land in the town of Bourne (printed in House, No. 3943) [Representatives Wagner of Chicopee, Kulik of Worthington, Knuuttila of Gardner, Malia of Boston, Fresolo of Worcester, Atkins of Concord and Donato of Medford dissenting].

Severally read; and referred, under Rule 33, to the committee on Ways and Means.

By Mr. Kujawski of Webster, for the committee on Steering, Policy and Scheduling, that the Bill relative to dental hygienists (House, No. 699) be scheduled for consideration by the House with an amendment (previously recommended by the committee on Health Care) pending.

Placed in the Orders of the Day for the next sitting for a second reading with the amendment pending.

By Mrs. Owens-Hicks of Boston, for the committee on Local Affairs and Regional Government on the part of the House, that the Bill addressing the siting of electric transmission in Massachusetts (House, No. 4432) ought to pass. Referred, under Rule 7A, to the committee on Steering, Policy and Scheduling.

Mr. Kujawski of Webster, for said committee, reported that the matter be scheduled for consideration by the House; and, under said rule, it was placed in the Orders of the Day for the next sitting for a second reading.

By Mr. Honan of Boston, for the committee on Housing and Urban Development, on a petition, a Bill allowing the town of Marion to develop and maintain a subsidized housing plan for low and moderate income housing (House, No. 4631) [Local Approval Received].

By Mrs. Owens-Hicks of Boston, for the committee on Local Affairs and Regional Government, on a petition, a Bill relative to the discontinuance of a portion of Dock Lane in Beverly (House, No. 4189) [Local Approval Received].

By Mr. Koczera of New Bedford, for the committee on Public Service, on a petition, a Bill relative to the appointment of retired police officers in the city of Fitchburg (House, No. 4617) [Local Approval Received].

Severally read; and referred, under Rule 7A, to the committee on Steering, Policy and Scheduling.

Mr. Kujawski of Webster, for said committee, reported that the matters be scheduled for consideration by the House; and, under said rule, they were placed in the Orders of the Day for the next sitting for a second reading.

By Mr. Kujawski of Webster, for the committee on Steering, Policy and Scheduling, that the following matters be scheduled for consideration by the House:

Bourne,
highway
land.

Dental
hygienists.

Electric
transmission.

Marion,
housing.

Beverly,
Dock
Lane.

Fitchburg,
retired
police.

Senate bills

Municipal
elections.

Requiring late counting of certain overseas absentee ballots in city elections (Senate, No. 2164); and

Maynard.

Authorizing the town of Maynard to grant an easement over certain conservation land (printed in Senate, No. 2169, amended); and

House bills

Animals.

Making corrective changes in certain laws pertaining to animal health (House, No. 46);

Trade secrets.

Making the uniform the law regarding trade secrets (House, No. 94);

Dress codes.

Relative to dress codes in public schools (House, No. 116, changed);

Kearney
Bridge.

Designating a certain bridge in Hyde Park as the Joseph M. Kearney Bridge (House, No. 293);

Geraghty
Bridge.

Designating a certain bridge in Hyde Park as the Thomas J. Geraghty Bridge (House, No. 294);

Great
grandparents.
Corporations.

Providing visitation rights for great grandparents (House, No. 384);

Relative to certain proceedings relating to corporations (House, No. 734);

Justices of
the Peace.

Relative to the fees of justices of the peace for performing marriages (House, No. 929);

Courts.

Relative to the admittance of attorneys to court facilities (House, No. 938);

Animals.

To prevent animal fighting (House, No. 1131);

School safety.

Relative to school safety (House, No. 1851);

Restraining
orders.

Authorizing the service of faxed copies of restraining orders as legal documents (House, No. 1901);

Joseph
Coleman.

Establishing a sick leave bank for a certain employee of the Trial Court of the Commonwealth (House, No. 2270);

Legal
investments.

Relative to the list of legal investments prepared by the Commissioner of Banks (House, No. 2560);

Hepatitis B.

Relative to the Hepatitis B vaccine (House, No. 2570);

Winchendon.

Relative to the Winchendon District Court (House, No. 2638);

Kevin J.
Welch.

Establishing a sick leave bank for Kevin J. Welch, an employee of the Trial Court (House, No. 2994);

Minors.

Protecting a minor's identity (House, No. 2997);

Breast feeding.

Permitting breast-feeding in public (House, No. 3358);

Veterans.

Relative to veterans' graves protection (House, No. 3673);

Interstate
90 and 93.

Designating portions of Interstate 90 and Interstate 93 (House, No. 4231);

History
Day.

Providing for the annual observance of Massachusetts History Day (House, No. 4270);

Lenihan
bridge.

Designating a certain bridge along Route 3 in the town of Bedford in memory of Michael P. Lenihan for his tireless effort in ensuring the success of the Route 3 expansion project (House, No. 4394);

Veterinarians.

Relative to veterinarians (House, No. 4414); and

Energy.

Relative to energy efficient appliances (House, No. 4647);

Severally placed in the Orders of the Day for the next sitting for a second reading.

Special
detail
work,
payments.

By Mrs. Owens-Hicks of Boston, for the committee on Local Affairs and Regional Government, ought NOT to pass, on the petition (accompanied by bill, House, No. 4022) of John P. Fresolo, Joan M. Menard and another relative to payment for off-duty or special detail

work performed by municipal employees. Referred, under Rule 7A, to the committee on Steering, Policy and Scheduling.

Mr. Kujawski of Webster, for said committee, reported that the matter be scheduled for consideration by the House; and, under said rule, it was placed in the Orders of the Day for the next sitting, the question, being on acceptance.

Emergency Measure.

The engrossed Bill providing for the annual observance of Guardians' Day (see House, No. 4482, amended), having been certified by the Clerk to be rightly and truly prepared for final passage, was considered, the question being on adopting the emergency preamble.

Guardian's
Day.

A separate vote was taken, as required by the provisions of Article XLVIII (as amended by Article LXVII) of the Amendments to the Constitution; and the preamble was adopted, by a vote of 2 to 0. Sent to the Senate for concurrence.

Engrossed Bills.

Engrossed bills

Relative to certain separate accounts (see House bill printed as Senate, No. 850);

Relative to damages for harmed assistance animals (see House, No. 2829); and

Bills
enacted.

Authorizing the town of Norfolk to establish a department of public works (see House, No. 4313);

(Which severally originated in the House);

Severally having been certified by the Clerk to be rightly and truly prepared for final passage, were passed to be enacted; and they were signed by the acting Speaker and sent to the Senate.

Orders of the Day.

The engrossed Bill relative to the taxation of certain property in the town of Belmont (see House, No. 3980), which had been returned to the House by His Excellency the Governor with recommendation of amendment (for message, see House, No. 4698), was adopted in the following form (as approved by the committee on Bills in the Third Reading):

Belmont,
property
tax.

In section 1 (as printed), in line 5, by inserting after the word "described" the word "within". Sent to the Senate for concurrence.

The Senate Bill relative to the Sandwich water district (Senate, No. 1163, amended), reported by the committee on Bills in the Third Reading to be correctly drawn, was read a third time; and it was passed to be engrossed, in concurrence.

Third
reading
bill.

House bills

Providing that certain employees of the Taunton Municipal Lighting Plant of the city of Taunton be under the civil service law (House, No. 4185) (its title having been changed by the committee on Bills in the Third Reading);

Third
reading
bills.

Third
reading
bills.

Authorizing the Division of Capital Asset Management and Maintenance to convey a certain parcel of land in the town of Plainville (House, No. 4201);

Authorizing the town of Rockport to borrow a certain amount of money (House, No. 4281); and

Relative to the Department of Inspectional Services in the city of Lynn (House, No. 4509);

Severally reported by the committee on Bills in the Third Reading to be correctly drawn, were read a third time; and they were passed to be engrossed. Severally sent to the Senate for concurrence.

Order.

On motion of Mr. Finneran of Boston,—

Ordered, That when the House adjourns today, it adjourn to meet on Monday next at eleven o'clock A.M.

Next
sitting.

At twenty-two minutes after twelve o'clock noon, on motion of Mr. Peterson of Grafton (Mr. Hynes of Marshfield being in the Chair), the House adjourned, to meet on Monday next at eleven o'clock A.M.